



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,425	11/15/2007	Suzy Ratcliffe	25850-013-CIP NATL	9467
30623	7590	01/25/2010		
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			01/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,425	Applicant(s) RATCLIFFE, SUZY	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/07/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: there is no antecedent basis for the term "the first button". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Leaf (US 2,524,814).

Leaf teaches the following:

1. A pant leg adjustment mechanism comprising:
at least one lengthwise portion, the lengthwise portion including a first inside seam and a second inside seam (see seam 31 in figures 1, 3 and 4); at least one attaching mechanism (34, 35) fastened to each of the first inside seam and the second inside seam (34, 35); and at least one receiving portion (24, 25) positioned along a length of each of the first inside seam and the second inside seam for receiving the at least one attaching mechanism when the lengthwise portion is turned inwards (figures 1-5).
2. The adjustable garment of claim 1 wherein the garment is a pair of trousers and the at least one lengthwise portion is a leg of the pair of trousers (figures 1 and 2).
7. The adjustable garment of claim 1 wherein the at least one attaching

Art Unit: 3765

mechanism includes a hook (35) and the at least one receiving portion includes at least one loop (25) to which the hook is connected.

9. A pant leg adjustment mechanism comprising:

a plurality of slits (25, 24) positioned along a length of a first inside edge of the pant leg (figures 1, 3 and 4);

a plurality of slits (25, 21) positioned along a length of a second inside edge of the pant leg (figures 1, 3 and 4),

wherein the plurality of slits (24, 25) positioned along the length of the second inside edge correspond in height to the plurality of slits (24, 25) positioned along the length of the first inside edge; a first attaching mechanism (34, 35) attached to a bottom portion of the first inside edge of the pant leg and a second attaching mechanism (34, 35) attached to a bottom portion of the second inside edge of the pant leg (figures 1, 3 and 4), wherein the first attaching mechanism (34, 35) is received by one of the plurality of slits (24, 25) on the first inside edge of the pant leg and the second attaching mechanism (34, 35) is received by the slit (24, 25) on the second inside edge of the pant leg that corresponds to the one of the plurality of slits (24, 25) on the first inside edge that receives the first attachment means (34, 35).

10. The pant leg adjustment mechanism of claim 9 wherein the attaching mechanism includes at least one of a button, a cufflink, a t-bar and a hook (35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leaf (US 2,524,814) in view of Gertz (US 2,375,554).

Leaf teaches a pant adjusting means as described above in claim 1. However, Leaf fails to teach the attaching mechanism being a fabric loop and the receiving portion being a fabric loop.

In regard to claim 3, Gertz teaches an adjustment means comprising at least one attaching mechanism is a fabric loop (38).

In regard to claim 4, Gertz teaches an adjustment means comprising at least one receiving portion is a button that receives the fabric loop (see figure 4, identifier 38, 36).

It would have been obvious to have provided the pant adjustment means of Leaf with the loops and buttons as taught by Gertz, since the pant adjustment means of Leaf being loops and buttons would provide for a secure attachment that has to be manipulated to unfasten.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leaf (US 2,524,814) in view of Henry (US 461,434).

Art Unit: 3765

Leaf teaches a pant adjusting means as described above in claim 1. However, Leaf fails to teach the attaching mechanism being a button and the receiving portion being a fabric slit.

In regard to claim 5, Henry teaches an adjustment attachment wherein the at least one attaching mechanism includes one of a cufflink, a button, or a tie (D).

In regard to claim 6, Henry teaches an adjustment attachment wherein the at least one receiving portion includes a slit through which the at least one attaching mechanism is inserted (b3).

It would have been obvious to have provided the pant adjustment means of Leaf with the buttons and slits as taught by Henry, since the pant adjustment means of Leaf being buttons and slits would provide for a secure attachment that has to be manipulated to unfasten.

7. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez (US 4,149,275) in view of Gertz (US 2,675,554).

In regard to claim 8, Sanchez teaches a pant leg adjustment mechanism comprising: a plurality of snaps (22, 26) positioned along a length of a first inside edge of the pant leg; a plurality of snaps (22, 26) positioned along a length of a second inside edge of the pant leg (see figures 1, 2, 4, 5 and 6), wherein the plurality of snaps (22, 26) positioned along the length of the second inside edge correspond in height to the plurality of loops positioned along the length of the first inside edge (see figures 1, 2, 4, 5 and 6); a first snap (20) attached to a bottom portion of the first inside edge of the pant

Art Unit: 3765

leg and a second snap (20) attached to a bottom portion of the second inside edge of the pant leg, wherein the first snap (20) is received by one of the plurality of snaps (22, 24) on the first inside edge of the pant leg and the second snap (20) is received by the snaps (22, 24) on the second inside edge of the pant leg that corresponds to the one of the plurality of loops on the first inside edge (figures 1, 2, 4, 5 and 6).

However, Sanchez fails to teach the adjustment mechanism being a plurality of buttons and an attachment loop.

Gertz teaches an length adjustment mechanism comprising a plurality of buttons and an attachment loop (see figure 4, identifiers 38 and 36).

It would have been obvious to have provided the pant leg adjustment mechanism of Sanchez with the fasteners of Gertz, since the pant leg adjustment of Sanchez provided with buttons and loops would provide a more secure pant leg adjustment, since the bottom and loop would not be able to unsnap by just adding force, because the button and loop fastening arrangement would have to be manipulated to become unfastened.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are all cited in PTO-892 form submitted herewith.

Art Unit: 3765

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alissa L. Hoey/
Primary Examiner, Art Unit 3765